



# Town of Westminster

MASSACHUSETTS 01473  
FROM THE OFFICE OF THE  
**PLANNING BOARD**

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Jon Wyman - Chairman, Marie N. Auger - Vice Chair, Michael Fortin Andrew Rice

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## MINUTES OF REGULAR MEETING

Tuesday, November 24, 2015

Room 222, Town Hall

Attendees: Jon Wyman, Marie Auger, Mike Fortin, Andrew Rice, Town Planner Stephen Wallace

Absent:

Additional Attendees: Mr. Bob Hakala/Westminster Business Park, Mr. Brian Marchetti/ Westminster Business Park, Mr. Steve Bouley/Tetra Tech, Mr. Alan Bedard, Mr. Chuck Scott/CFS Engineering, Ms. Eile Jones, Mr. Palmer Moore.

7:00 p.m.

Jon opened the Planning Board meeting and informed those present the meeting was being audio recorded.

7:00 p.m. - *Minutes*

Jon asked PB members to review the October 27, 2015 meeting minutes. Marie motioned to approve the minutes. Seconded Andrew. The PB voted AIF to accept the minutes.

7:01 p.m. *Approval Not Required (ANR) Plan for Alan & Diane Bedard and Pamela Sheldon, Gary and Kenneth Draleaus, land transfer on Ellis Road.*

The Board reviewed the plan showing a land transfer. Mr. Bedard told the Board he was buying land from a neighbor in order to add a garage bay. Marie made a motion to endorse. Seconded Mike. The PB voted AIF to endorse.

7:04 p.m. *Approval Not Required (ANR) Plan for Claudia Lane, one new lot on #70 Lanes Road.*

The Board reviewed the plan. Ms. Eile Jones told the PB she was splitting the lot into two parcels, one with two acres and the house and one with 10 acres. There was brief discussion about wetlands/no wetlands. Ms. Jones said there were no wetlands on the property. The Board agreed with Stephens suggestion to send out a memo to reminding local surveyors that wetlands delineation is a requirement for ANR plans to help the Board determine adequate access to the buildable portion of the lot (uplands).

Mike made a motion to endorse. Seconded Marie. The PB voted AIF to endorse.

7:16 p.m. *Public Hearing: 7:00 PM – Site Plan Review for South Ashburnham Solar LLC - NEXAMP (Applicant), on behalf of Eino & Alice Jarvenpaa (Owner), to install a ground-mounted solar array on property located at 235 South Ashburnham Road.*

Jon read the newspaper posting of the public hearing and reviewed the hearing guidelines. Stephen gave the PB a brief overview of the project. Stephen told the project consists of 6375 ground mounted solar panels covering approximately 3 acres. Access roads of approximately 31,000 square feet of impervious surface on property owned by Mr. Eino and Mrs. Alice Jarvenpaa. Applicant is Westminster Solar, LLC/Nexamp. There was a Department technical review meeting on October 20, with written comments from DPW and ConCom. The site plan has been revised by CFS Engineering to address the outstanding DPW and ConCom issues. Mr. Chuck Scott introduced Mr. Palmer Moore from Nexamp as the Project Manager. Mr. Scott noted the project name was officially under Westminster Solar, LLC. There had been a bit of confusion on early submitted documents. Mr. Scott described the project layout on the property, described the topography of the land and showed delineated wetlands. He stated they had already received a ConCom order of conditions. The solar project roads will be paved, 20 feet wide

with 8 foot shoulders on each side. A berm will be built on the downstream side of the road to collect any over flow off the roadway. There will be a cul-de-sac turn around at top the of project. Granite curbed catch basins will divert water to storm water basins with sediment traps, before discharging water to an existing on site concrete inlet structure. An existing 24" RCP will discharge water towards South Ashburnham Road into a newly armored existing concrete inlet structure where it will travel under the road. Mr. Scott emphasized the erosion control measures being taken to address the steepness of the site and existing wetlands. The site will be enclosed with a chain link fence.

Jon asked the PB for any questions. Mike asked who will maintain the silt traps in the storm water basins and the catch basins. Mr. Scott referred to the updated Operations and Maintenance Plan that had been developed for the project and noted the responsibility was Westminster Solar, LLC./Nexamp. As part of the required SWIP (storm water implementation plan), there would be weekly storm water pollution monitoring project reports and prior to and immediately after any significant storm water events (more than 1/2"). Jon asked who the reports were submitted to. Mr. Scott said the reports are the responsibility of the contractor and are kept on site. They could be supplied to the PB and/or ConCom if so desired. The project and the reports are under the purview of the Mass EPA. Mike asked about ongoing maintenance of the storm water basins after construction of the project. Mr. Scott noted the Operations Plan called for quarterly reports for the first two years, and ongoing yearly reports. Mr. Moore stated there will be a contact number at the entry gate and Nexamp maintains an emergency response team.

Stephen clarified the Westminster Solar, LLC. name of the project. Stephen asked about kW and who will use it. Mr. Moore responded 2 megawatts and about half the capacity would be allocated to the community or neighboring communities. Stephen noted to Mr. Moore the existence of the Energy Advisory Committee and also the availability of a database of local businesses that may be interested in the power.

Jon asked for questions/comments from the public. Abutters across the street from the Town Cemetery on South Ashburnham Road, Mr. George and and Mrs. Rila Jones???(not sure if this is correct-they did not sign in) were concerned about torrential rains that have previously come down the road from the cemetery, crossed the road and ended up flowing past their home. They described a catch basin that has never worked and attempts by the DPW to solve the water problem. Mr. Scott showed them how the improvements to the site should help to redirect/intercept water that now flows toward their property. Stephen noted that both DPW and ConCom were concerned about water flow towards South Ashburnham Road and had requested an engineer oversee construction on the Towns behalf. Stephen suggested they contact Josh Hall if there are any problems with water coming across the road, Bob Maki if there are any natural resource issues, and himself if there are any project construction concerns while the project is being built.

Stephen then went thru the 17 outstanding issues one by one to determine how they had been addressed and Mr. Scott indicated them to the Board on the updated plans.

The PB also reviewed the DPW/ConCom request to have a resident engineer representing the town on site for the duration of the project. Mr. Scott asked the PB to consider that the grading would be done using state of the art GPS grading equipment that would optimize the construction of the project in the minimum amount of time and could generate real time grading updates. Mr. Scott also asked the PB to consider the previously discussed SWIP plans and Operations and Maintenance Plans that would be providing additional ongoing information. Mr. Moore stated the project would take approximately three months to build. Mr. Moore stated there would be a site supervisor from Nexamp on site for the entirety of the project. After discussion, the Board suggested that an engineer be present for major milestones of the project, particularly to verify the storm water basin construction and elevations and storm water flow related features. The PB did not believe a full time on site engineer representing the town on site was needed. The Board agreed that they would approve the site plan contingent that a meeting between CFS Engineering/Nexamp, DPW, ConCom, Stephen Wallace/Planning Board, and TetraTech take place to determine a schedule of significant milestone inspections in agreement to all. A payment proposal in

agreement to all and a schedule of payments worked out, the funds to be deposited into a 53D account by the proponent. Any remaining funds at the end of construction to be returned to the proponent.

The PB then reviewed TetraTechs review of the applicants decommissioning bond. Mr. Moore requested the PB be cognizant of the fact that the amount of the bond was higher than in most other communities they had done projects in. Stephen noted the Board has required up front bonding on all previous projects and the per/panel bond amount was significantly lower than the previous projects. After brief discussion, the PB agreed that the bond amount of \$63,320 was appropriate and would be required up front.

Marie made a motion to close the public hearing. Mike seconded. The PB voted AIF to close the hearing.

The Board then reviewed the list of 8 requested waivers:

1. Section 2.1 Plan Scale (required 1"=40', requesting 1"=50')
2. Section 2.1.5 Landscape Plan;
3. Section 2.1.7 Location of External Lighting Fixtures;
4. Section 2.1.8 Location and Description of Open Space;
5. Section 2.1.9 Locus Plan (required 1"=200', requesting 1"=400')
6. Section 2.1.13 Evaluation of Impact on Landscape;
7. Section 2.1.14 Evaluation of Traffic Impacts; and
8. Section 2.1.15 Environmental Impacts of the proposed development during the

construction phase of development.

Marie made a motion to accept all waivers. Seconded Mike. The Board voted AIF to accept the requested waivers.

The PB then worked out conditions of approval:

- 8.1. Other approvals or permits required by the Zoning Bylaw, other governmental boards, agencies or bodies having jurisdiction, shall not be assumed or implied by this Decision.
- 8.2. The Site Plan Approval applies only to the site which is the subject of this Application. All construction to be conducted on the site shall be conducted in accordance with the terms of this Approval and shall be limited to the improvements shown on the Plan.
- 8.3. The Board hereby reserves its powers to modify or amend the terms and conditions of this Approval upon its own motion with consent from the owner or the applicant, or on the Application of the owner or applicant. The Board further reserves its powers to amend this Approval without a new public hearing provided that the Board finds that such amendment is not significant to the public interest and that such amendment is not inconsistent with the purpose and intent of the Zoning Bylaw or with the terms of this Approval.
- 8.4. This Approval shall lapse on November 24, 2017 if a substantial use thereof has not sooner commenced for good cause. Any request for an extension of the time limitation set forth herein shall be made in writing to the Board at least 30 days prior to November 24, 2017 and the Board reserves its rights and powers to grant or deny such request without a public hearing.
- 8.5. The Applicant will post a decommissioning bond with the Town in the amount of \$63,320 prior to the Planning Department's sign-off on the Building Permit for this project.
- 8.6. The Applicant shall provide information on who to contact both during the construction phase and during the active lifetime of the project, should any problems arise. This contact information will be provided to the following entities: Police Department, Fire Department, Planning Department and the Department of Public Works.
- 8.7. The Applicant shall schedule a pre-construction meeting with all relevant Town departments prior to breaking ground.
- 8.8. The Applicant will work with the Town Planner, the Planning Board's engineering consultant (Tetra-Tech), Conservation Agent, and the Director of the Public Works Department to establish an acceptable inspection schedule based on construction milestones. Tetra-Tech will perform the inspections on behalf of the Planning Board and the cost will be borne by the Applicant. The cost of the inspection schedule will be agreed to by all parties and, once established, the Applicant will provide the Town Planner with a check to cover the cost of this effort. The Town Planner will deposit said check into an MGL 53G consulting account and any balance that remains after the inspection effort will be returned to the Applicant.

Stephen told the Board he would draft up the decision for review by all parties and would schedule the inspection meeting.

*8:45 p.m. Westminster Business Park - Request to close out Phase II of the earth removal project and release of bond.*

Mr. Brian Marchetti told the Board that work had been completed on most of the Phase II Roadway Bond Section 1 of 3 sections. Section 1 was originally arbitrarily determined to run from STA 40+75 to STA 59+00. When they had surveyed the work it was determined that the extent of the work completed

was from STA 40+75 to STA 55+00. From STA 55+00 onward has not been excavated and was not disturbed due to it being basically at grade and beyond work being excavated on the first phase of Lot I-7. The area beyond STA 55+00 to STA 59+00 is about 400 feet and is part of a wetland buffer resource zone. WBP did not want to disturb this area until continued work on Lot I-7 would take place in about three years.

Mr. Steven Bouley, the PB consulting engineer from Tetra Tech, stated he had reviewed the proposal, thought it made sense, and was the logical way of moving forward on the project. He added that STA 55+00 is the logical place to stop work on the roadway knowing that work on the rest of the project would not happen for at least three years. Mr. Marchetti showed the Board the extents of the work on a site plan.

Marie made a motion to amend the extents of the Phase II Roadway Bond for Section 1 from STA 40+75 to STA 59+00 to *STA 40+75 to STA 55+00*. Seconded Andy. Voted AIF to amend the STA extent.

Marie made a motion to release the Phase II Roadway Bond for Section 1. Seconded Andy. Voted AIF to release the bond.

Mr. Hakala agreed to post a bond, once the Phase II Roadway Section 1 Bond is released, for the missing section of WBP roadway from STA 17+00 to STA 26+50 in the amount of \$75,735 as shown on a Tetra Tech Bond estimate dated May 6, 2015, before the end of January 2016.

#### *8:58 p.m. Westminster Business Park Yearly Update*

Mr. Hakala thanked the PB and Stephen for all the efforts in getting the in line sewer project approved. He told the Board it should help in the sale of future lots. Mr. Hakala told the Board there has been interest in Lot I-9A for a 100,000 square foot building, possibly being doubled in size in the future. Mr. Hakala also told the Board that there is a huge interest in Lot I-7 which is presently being worked on.

Marie asked about the land at the end of the Industrial Park presently zoned as residential. Mr. Hakala stated the Park owners had thought about selling it but then there would be neighbors in close proximity to work being done on the park. Marie suggested that perhaps it could be re-zoned industrial extending the Industrial Park since the land hugs the railroad tracks. Mike agreed that it would make sense to expand the industrial park area to provide more living wage jobs to the town. Mr. Hakala was very interested in the idea of exploring that idea. There was discussion about access to the rail line in that area or from the old Dawley-Sheppard deeded rail spur that should be still available for access at the beginning of the park. Mr. Hakala stated a Lowell Concrete batching plant had shown interest in Lot I-7 due to the rail access. There was also interest from a high tech electronics distribution company.

Lot I-4B is also available.

The Board thanked Mr. Hakala for the WBP update.

#### *9:10 p.m. Amend Form A (ANR application) per the request of the Fire Department.*

The PB reviewed the information supplied by the Fire Department requesting a Fire Department review check-off line on the Approval Not Required (ANR) Form-A. The new fire code requires a certain distance around homes and road access so fire equipment can get into a lot, or requires sprinklers in homes on homes set back more than 50 feet with no access. The PB agreed to add another fire department sign-off line to the Form-A. Stephen would also like to change the required amount of copies of plans from 4 to 6. He would also like to have elevation contour lines added to ANR plans in 2 foot intervals. Marie moved that all the changes be incorporated into Form-A. Seconded Andy. The PB voted AIF to update the Form-A.

#### *9:15 p.m. Town Planner Update.*

The Town will be updating its website sometime in December. The GIS mapping system will now be handled by the Mr. Mapper GIS system from MRPC.

Stephen updated the citizens who attended the Special Fall Town Meeting on the ongoing work the PB has done regarding zoning Table of Uses, Table of Dimensional Requirements, and Definitions as well as the ongoing work with Community Opportunities Group on the Downtown Village Zoning. That draft work will be posted in December and January on the Town website for review by town citizens.

There will be informational meetings before the May Annual Town Meeting and the required public hearing.

The ZBA has decided to remain the Special Permit Granting Authority for the Special Permits they now decide on. There was discussion on Site Plan Review requirements. Marie told the Board it was not a State requirement to hold a public hearing for site plan review, but was a local requirement.

9:24 p.m. *Adjourn.*

Marie made a motion to adjourn. Mike seconded. The PB voted AIF to adjourn.

5 Pages of Minutes  
Respectfully submitted,  
Michael Fortin

16 Attachments :

- 1) ANR Plan of Land Prepared for Bedard prepared by Szoc Surverors. 1 Page.
- 2) Town Planner package for Alan & Diane Bedard and Pamela Sheldon, Gary and Kenneth Draleaus, 32 Ellis Road including Form A, tax cards and Town Planner GIS map dated October 20, 2015. 5 pages.
- 3) ANR Plan of Land Prepared for Lane by Szoc Surverors. 1 Page.
- 4) Town Planner package for Claudia Lane, #70 Lanes Road including Form A, tax cards and Town Planner GIS map dated 11-13-2015. 5 pages.
- 5) Letter from McCarty Engineering, Inc. requesting modification of Earth Removal Permit. Dated November 17, 2015. 1 Page.
- 6) Letter from McCarty Engineering, Inc. requesting release of bond for Earth Removal Phase II Roadway Section 1. Dated June 2, 2015. 1 Page.
- 7) Bond Estimate from TetraTech for WBP STA17+00 - STA 26+50 dated May 6, 2015. 1 page.
- 8) Email from TetraTech review Westminster Solar LLC de-commissioning bond. Dated November 2, 2015. 2 pages.
- 9) Site Plans for Westminster Solar, LLC prepared by CFS Engineering revised November 18, 2015. 8 pages.  
Plan Review Hearing Memo from Town Planner on Westminster Solar LLC Dated November 5, 2015. 4 pages
- 10) Letter from DPW on Westminster Solar LLC Dated November 2, 2015. 16 page.
- 11) Waiver request list for Westminster Solar LLC PDF Dated November 20, 2015. 1 page.
- 12) Letter from ConCom on Westminster Solar LLC Dated November 2, 2015. 16 page.
- 13) Site Plan Application for Jarvenpaa/Westminster Solar LLC. Revised November 18, 2015. 6 pages.
- 14) 527 CMR Board of Fire Prevention Regulations and NFPA 1 Chapter 18 Fire Code supplied by WFD pdf creation dated 11/16/2015. 14 pages.
- 15) Revised Form-A Approval Not Required check off sheet. 1 page.